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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/729,175      | 12/05/2003  | David J. Cherry      | ARWZ 2 00213        | 8582             |

7590

05/24/2004

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| EXAMINER |
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CEGIELNIK, URSZULA M

| ART UNIT | PAPER NUMBER |
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3712

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |   |  |
|------------------------------|--|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/729,175   | <b>Applicant(s)</b><br>CHERRY, DAVID J. |  |
|                              | <b>Examiner</b><br>Urszula M Cegielnik | <b>Art Unit</b><br>3712                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/05/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Publication No. 2003/0030211).

Brown discloses a system for use in playing a game of chance comprising a plurality of playing cards (10), at least some of the plurality of playing cards (10) displaying a free ticket symbol (*i.e., instant award game symbols 26a...26g*) which entitles a holder of the playing card to receive at least one free ticket (*paragraph 0035*); a master game card (50) for use in conjunction with the playing cards (10) and free tickets (26a...26g), the master game card (50) including means for identifying at least one of the eligible game symbols as a winning game symbol (*paragraph 0049, lines 3-7*); at least one game symbol of at least one of the playing cards and free tickets comprises indicia identifying the game symbol as being an instant winning game symbol; distributing a set of playing cards to a plurality of players; removing at least one cover member on each of the playing cards to reveal at least one of a plurality of game symbols, at least some of the plurality of playing cards including a free ticket symbol, which entitles a holder of the playing card to receive at least one free ticket (*the free ticket is broadly interpreted as being the same structure as playing ticket 10 and Brown*

*further discloses the option of awarding free tickets, see paragraph 0035); distributing the free tickets to the holders of playing cards displaying the free ticket symbols; removing at least one cover member from the free tickets, wherein at least one of the playing cards and the free tickets includes first type of game symbols the plurality of game symbols which is eligible for a bonus round of play, the eligible first type of game symbols including a plurality of characters; playing the bonus round of play including opening a cover member on a master game card to reveal one of the plurality of characters in a winning game symbol selected from the second type of eligible game symbols; and repeating step a) for each of the plurality of characters in the winning game symbol; a method of playing a game of chance comprising distributing a set of playing cards to a plurality of players; removing at least one cover member on each of the playing cards to reveal at least one of a plurality of game symbols, a plurality of playing cards including a raffle game symbol of the plurality of game symbols which is eligible for a bonus round of play (paragraph 0006, lines 4-6) comprising a raffle (paragraph 0004, lines 15-16, the deal winner may receive a prize, whereby a raffle is essentially winning a prize by a player buying chances); in the bonus round of play, revealing a first portion of a winning raffle game symbol on a first area of a master game card and revealing a second portion of the winning raffle game symbol on a second area of the master game card. the bonus round includes revealing a third portion of the winning raffle game symbol on a third area (the bottom middle portion of reference numeral 50, see Figure 3A) of a master game card (50) the raffle game symbols each comprise a plurality of digits and the first and second portions of the winning game*

symbols each comprises one of the digits, the bonus round including uncovering a separate cover member for each of the digits of the winning raffle game symbol on separate areas of a master game card (*paragraph 0048*); the steps of revealing the first and second portion of the winning raffle game symbol, and optionally a third portion of the winning raffle game symbol include removing one of a plurality of cover members in the first area to reveal the first portion of the winning raffle game symbol; removing one of a plurality of cover members in the second area to reveal the second portion of the winning raffle game symbol; and optionally removing one of a plurality of cover members (54a,54b,54c) in the third area (*the bottom middle portion of reference numeral 50, see Figure 3A*) to reveal the third portion of the winning raffle game symbol (*paragraph 0049, lines 1-7*).

Brown discloses the claimed invention except for a second master game card.

Brown teaches that one deal set includes a deal seal card (i.e. a master game card) is provided with a number of play tickets and one instant seal card) (*paragraph 0032*).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second master game card as part of a second deal set as taught by Brown, since such a modification would provide additional sets of playing tickets for added appeal to the players.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-


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306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. **The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700